

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DOUGLAS E. MITCHELL,
Plaintiff,

v.

S. PETTY, *et al.*,
Defendants.

§
§
§
§
§
§
§

Case No. 6:19-CV-5-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND DENYING PLAINTIFF’S MOTION FOR INJUNCTIVE RELIEF**

Plaintiff Douglas Mitchell filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged deprivations of his constitutional rights. Docket No. 1. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. Docket No. 2.

Mitchell later filed a motion asking to be transferred to safekeeping. Docket No. 7. The Magistrate Judge properly construed the motion as a request for injunctive relief and issued a Report recommending that the motion be denied. Docket No. 10. The Magistrate Judge concluded that Mitchell offered nothing to suggest a substantial likelihood of success on the merits of his claims nor that he faced a substantial threat of irreparable injury. *Id.* In addition, the Magistrate Judge stated that Mitchell failed to show that his requested injunction would not disserve the public interest. *See Robinson v. Hunt County, Texas*, 921 F.3d 440, 451 (5th Cir. 2019) (setting out the elements for preliminary injunctive relief).

Mitchell received a copy of this Report on or before May 23, 2019, but filed no objections. *See* Docket No. 11.

Upon reviewing the pleadings in this cause and the Report of the Magistrate Judge, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (holding that in cases in which no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"); *see also Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*). It is accordingly:

ORDERED that the Report of the Magistrate Judge (Docket No. 10) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for transfer to safekeeping, construed as a motion for injunctive relief (Docket No. 7), is **DENIED**.

So **ORDERED** and **SIGNED** this **18th** day of **June, 2019**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE